

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife & Oceans

[fisheries](#) - - Rep. Wayne Gilchrest, Chairman

U.S. House of Representatives, Washington, D.C. 20515-6232 - - (202) 226-0200

Witness Statement

Statement of Robert G. Hayes on behalf of the Coastal Conservation Association

Good morning, my name is Bob Hayes; I am here today on behalf of the Coastal Conservation Association ("CCA") to present their views on the issue of longline bycatch. CCA is a national organization of sport fishermen headquartered in Houston, Texas, with chapters in fifteen states on the Gulf of Mexico and Atlantic coasts. We presently have 80,000 members, many of which are involved in offshore fisheries for billfish.

As we sit here today, we must acknowledge that marlin stocks are in terrible condition. The decline of these stocks can be correlated to the growth of international longlining for tuna and swordfish. We have an Atlantic-wide problem, and if we don't solve it, it will progress to an endangered species problem. No one wants to see that. We congratulate Chairman Gilchrist and Congressman Saxton for having this hearing today to continue the focus on this significant resource problem.

CCA became involved in this issue in the late 1980s as a result of the inaction of the federal management system to address the declining billfish populations. The thinking at the time was that conservation of billfish only required restrictions on U.S. citizens within our EEZ to control the decline. The underlying theory was that if the United States controlled its market to prevent the sale and import of Atlantic billfish and controlled the bycatch by its own fleet, the stock would recover. Regulations were established that required our fleet to discard all billfish caught in U.S. waters. Minimum size limits were put in place for recreational fisherman, and billfish were declared as the first federal marine gamefish. U.S. landings of billfish both recreationally and commercially have dropped to a point where present landings of marlin do not exceed 200 fish. It was a great plan, but it did not work.

It became clear in the 1990s that the level of catch by domestic vessels was only a small percentage of the total mortality for Atlantic billfish stocks. Recreational fishermen began to see a further decline in abundance, especially in white marlin. This led to an outcry from recreational groups and some discussions with the National Marine Fisheries Service (NMFS) to address the problem. Congress intervened with changes in the Magnuson Act in 1990 and in the Sustainable Fisheries Act. Ultimately, NMFS organized the Highly Migratory Species Office and progress toward a solution began in 1997.

The proposed solution was a set of regulations published in the spring of 1999 and the summer of 2000. The regulations addressed longline bycatch by closing large sections of the EEZ to the commercial fleet. The theory behind the closures was based on two ideas. The first was that there are identifiable hot spots in the ocean where the bycatch of longline fleets is significantly higher than other places they could fish for targeted species. The other was that it was a worthwhile and positive conservation tool to decrease the number of discards of small swordfish.

Unfortunately, for these ideas to work, there has to be an overlap of the areas and displacement of vessels has to be minimized. The NMFS rule actually increased the bycatch of marlin, sharks, turtles and marine mammals and incensed recreational fishermen to the point where CCA and The Billfish Foundation filed suit challenging the regulation. The suit, which has been joined with suits by the National Coalition for Marine Conservation and other environmental groups and a group of longliners in Florida, is now awaiting a decision here in D.C. Federal District Court. Every plaintiff in these suits is asking the Court to return

these regulations to NMFS to reevaluate the size and impact of the closed areas.

In addition to the administrative efforts, there was a concerted effort by all of the communities to accomplish some conservation internationally. Beginning in the mid 1990s there was a realization that growth in both the size and efficiency of international longline fleets was having a continued detrimental effect on the health of marlin stocks. There was no question that the fleets were becoming more efficient. As the use of the gear type increased in both the tuna and swordfish fisheries, so did the bycatch of marlins.

In the last five years, three international agreements have set the framework for what could be a solution to the problem of longline bycatch. The first is a set of agreements to hold member and non-member countries accountable for conservation restrictions. In this regard, the International Commission for the Conservation of Atlantic Tuna (ICCAT) may be well ahead of every other international conservation convention except the Convention on International Trade in Endangered Species (CITES). Having said that, it still has a long way to go to make this work.

The second agreement in 1999 established a ten-year recovery plan for swordfish. This plan was largely the result of U.S. leadership at ICCAT. It could not have been accomplished without the sacrifices of the domestic longline industry, which understood the need here at home to get a recovery plan that worked. As important as a recovery plan for swordfish is, swordfish recovery will likely only further the decline of marlin.

Therefore, the most significant agreement from a recreational standpoint was done last year when ICCAT agreed to begin to reduce the mortality of marlin and develop a recovery plan for them in 2002. The recovery plan will be the first attempt by ICCAT to develop and plan for something of no commercial value to most of the member countries. The challenge is to provide realistic and constructive management measures that can be implemented by the international longline fleet and enforced.

Finally, there was the attempt in the last Congress to put a bill together that addressed what many people thought were the four elements required to solve the problem. The four elements of the last bill were:

1. Reduction of effort in the longline fleet.
2. Closed areas to reduce bycatch.
3. Research to modify gear and /or fishing practices to reduce bycatch.
4. Development of a bycatch reduction program that could be implemented internationally.

The effort failed primarily because of the difficulty in getting agreement on which measures were necessary and the federal funds to complete the buyout.

What have we learned?

Federal management of billfish is only thirteen years old. In that period we have seen a decline in the abundance of both blue and white marlin while eliminating almost all landings of marlin by recreational and commercial fishermen. International management of billfish has only just begun. The ultimate results are very uncertain at this point.

Both domestic and international management entities seemed to have agreed on the problem: longline gear is catching billfish and other species at a rate greater than that required to keep the stock in equilibrium. Dr. Phil Goodyear believes that the present rate of bycatch may be so great that white marlin will be eligible for listing as a Category 1 species under CITES unless some international action is taken. (It has been reported that some environmental groups here in the U.S. are considering a petition under the Endangered Species

Act).

We have learned that the problem is international and cannot be solved by simply restricting U.S. activities. That is not to say the restrictions at home do not help internationally. They do. But, it is to say that a domestic strategy without a clear international strategy will only result in the further decline of marlin.

We have learned that longliners are not a monolith. Longlining in the Gulf for yellowfin tuna is different than longlining in the Straights of Florida or offshore in the mid-Atlantic. The boats, economics, crew styles, what they fish for and how they fish are all different. The only thing the same is that the gear used catches something in addition to what it is intended to catch. The same can be said for the international fleets. The principle difference is that the U.S. longline industry is the international leader in conservation of both direct and indirect species. Their foreign counterparts have not felt the pressure of committed domestic constituencies that will not tolerate wasteful bycatch.

We have learned that the solutions on the table today are not going to be adequate to solve the problem. Today, the two remedies of choice are to close high bycatch areas and require that all live bycatch be returned to the sea. The hotspot approach is only being utilized domestically and it is being used on a species by species basis. The domestic longline fleet now has closed areas in the Atlantic for bluefin tuna, sea turtles and small swordfish. These closures, without a corresponding reduction in the fleet, only cause the fishing effort to be shifted. Since the data is based on historic catch, there is no way to determine the impact on the bycatch of other species. We are simply curing today's immediate problem in the hope it will not do too much damage somewhere else. Internationally, the U.S. is committed to the same approach.

We have learned that the solutions to our problem are largely based on the science at hand. Internationally, ICCAT becomes engaged because the scientists identify a problem. Once identified, the scientific community develops a solution, and within negotiated parameters, ICCAT adopts a series of recommendations to address the problem. The key to success is ICCAT's science committee. Without it, the U.S. has only its own weight to convince others of the legitimacy of its cause.

HR 1367

Today we have a new effort at a legislative approach. This bill addresses all of the areas of the last bill and, for the most part includes many of the understandings reached in the last session. It is a valuable tool to focus the Congress, the stakeholders and the Administration on this problem. We should recognize that many of the provisions of S-1911 were negotiated among the stakeholders and may not be necessary or acceptable in this Congress. With that I would like to raise a couple of issues of concern and tell the Chairman and Congressman Saxton that we are willing to work with them to create a bill that can be signed by the President.

Issue 1. This bill reduces effort through a voluntary buyout and a transfer of quota to a gear type that has no bycatch. The objective is laudable, but the reality is that the new gear type is incapable of harvesting the transferred quota. The problem is that foreign nations hungry for quota are not going to agree to let that amount go to conservation. Rather, they will push for an increase in their quota with its accompanying bycatch, and the U.S. will have achieved little conservation for the effort. If we leave the quota with the remaining fleet, we can at least control them.

Issue 2. The closed areas in the bill were negotiated last year. They should be revisited. To get the maximum biological impact for marlin, the current legislative effort should close the NMFS closed areas, plus - one in the western Gulf, an area between Cuba and the Bahamas, and an area in the mid-Atlantic. If you add these to other areas closed to longlining, the impact on the fleet is substantial. Therefore we should consider rolling closures that attempt to target when the minimal bycatch will occur. As example, a three month closure of the Western Gulf of Mexico may minimize the impact on the commercial fleet and maximize the benefit to marlins.

Issue 3. The research program in the bill should be expanded and the program shortened to allow for the use of the results by the fall of 2002.

The research should focus on one issue, techniques to reduce bycatch.

They could be gear modifications, rolling closures, fishing techniques or any combination of them so long as they reduce bycatch domestically and internationally.

What needs to be done?

The solution of the day for longline bycatch is closed areas. These are preferable to eliminating the gear entirely because they mitigate the impact on the fishermen while addressing the bycatch problem. The United States is using the method liberally, but its acceptance internationally is very limited. As we have seen, closed areas can be effective remedies for single problems; but since they cause displacement and do not reduce effort, something else needs to be done. Altering fishing techniques and practices has always been held out as a remedy by the commercial industry. Regulations like those recently published addressing turtle bycatch may hold some promise, but a grander more significant research program needs to be established to find methods of reducing bycatch.

Next year, the United States will have to take the lead in developing a marlin recovery plan at ICCAT. If that were today's mission, the U.S. would offer international closed areas and require the release of all live billfish. Most U.S. scientists do not believe such measures will be adequate to recover either white or blue marlin. There has to be either a reduction in longline effort or a significant improvement in bycatch reduction. The first suggests a moratorium on the building of new longline vessels coupled with a buyout, and the second suggests some technology or fishing practice changes. The U.S. does not have the information necessary to sustain a proposal to accomplish any of these proposals.

In the short term, we need a research program that focuses solely on longline bycatch and either develops an acceptable means of addressing it or comes to the conclusion that the bycatch is unavoidable. All countries can then make the determination of whether the result is acceptable.

Mr. Chairman, thank you for allowing us to present our views.

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